

REMARKS

Claims 1-6 are pending in the present application. Claims 1 and 3-6 are herein amended.

No new matter has been entered.

It is respectfully submitted that this Amendment is fully responsive to the Office Action dated September 10, 2007.

Objections to Drawings

The drawings were objected to under 37 CFR 1.83(a). In particular, the examiner asserted that the internal transfer means of claim 6 is not shown in the drawings.

Applicants request reconsideration of this objection. The internal transfer means is shown, for example, in Fig. 4 and described in the second paragraph on page 11 of the specification. Accordingly, Applicants request that the objection to the drawings be withdrawn.

Claim Objections

Claims 3-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the examiner asserted: “[T]he applicant uses the word ‘near’ to indicate the location of the first, and then later, the second reading means; the word ‘near’ is not finite and therefore, for the sake of examination, the examiner notes that ‘near’ will be understood as within area of the hoisting frame.”

Applicants respectfully disagree with the examiner's conclusion that the term "near" is indefinite as used in the claims. The term "near" is not insolubly ambiguous and does not depart from the ordinary and customary meaning of the phrase "near" as meaning "close to or at" the edge of the hoisting frame. *See, William P. Young v. Lumenis, Inc.*, Case No. 06-1455 (Fed. Cir., June 27, 2007) (Lourie, J.) (The Federal Circuit reversed the lower court's determination that the term "near" was indefinite.)

However, to expedite prosecution, Applicants hereby amend the claims to remove the term "near." Accordingly, Applicants submit that the rejection of claims 3-6 is now moot.

Furthermore, Applicants herein amend the claims to clarify that the automated warehouse system includes a first and a second rack. Support for this amendment is found, for example, on page 8 of the specification.

Claim Rejections – 35 U.S.C. §103

Claims 1-5 were rejected under 35 U.S.C. 103(a) as unpatentable over *Dunlap, Jr.* (U.S. Patent Application No. 2005/0043854) in view of *Nedblake* (U.S. Patent Application No. 2005/0237201). Applicants respectfully disagree and request reconsideration of the rejection of independent claim 1 in view of the following remarks.

Applicants submit that Dunlap does not disclose a structure wherein inventory checks of individual articles within containers can be performed. In particular, none of the cited references disclose, teach or even suggest a system wherein IDs of individual articles in a container are read

by scanning the articles while pulling the container onto the transfer apparatus. See claim 1. Because of this feature, IDs of the individual articles in the container are accurately read. Accordingly, claim 1 is not obvious based on the teachings of the cited references.

Furthermore, none of the cited references disclose, teach or suggest a structure wherein the “control means for setting a speed of pulling the container at low speed at the time of reading the IDs of the individual articles in the container in comparison with a speed in the case where the IDs of the articles are not read.” See claim 2.

In view of the aforementioned remarks and amendments, Applicants request that dependent claims 2-5 be allowed over the cited references.

Claim 6 was rejected under 35 U.S.C. 103(a) as unpatentable over *Dunlap, Jr.* in view of *Nedblake* in view of *Bonneton et al.* (U.S. Patent No. 4,678,390). However, this claim depends from independent claim 1 and should likewise be allowable over the cited references in view of the aforementioned remarks.

Conclusion

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

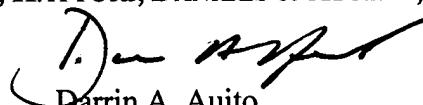
Application No. 10/578,625
Attorney Docket No. 053543

Amendment under 37 C.F.R. §1.111
Amendment filed December 10, 2007

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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